

PROOF

STATE OF IOWA

Senate Journal

WEDNESDAY, JANUARY 29, 2003

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JOURNAL OF THE SENATE

SEVENTEENTH CALENDAR DAY
ELEVENTH SESSION DAY

Senate Chamber
Des Moines, Iowa, Wednesday, January 29, 2003

The Senate met in regular session at 8:41 a.m., President Kramer presiding.

Prayer was offered by the Reverend Orris L. Drake, pastor of the United Methodist Church in Shelby, Iowa. He was the guest of Senator Boettger. Reverend Drake is the uncle of Representative Jack Drake.

The Journal of Tuesday, January 28, 2003, was approved.

LEAVES OF ABSENCE

Leaves of absence were granted as follows:

Senators Larson and Putney, for the day, on request of Senator Gaskill; and Senator Kibbie, until he arrives, on request of Senator Bolckcom.

HOUSE MESSAGE RECEIVED AND CONSIDERED

The following message was received from the Chief Clerk of the House:

MADAM PRESIDENT: I am directed to inform your honorable body that the House has on January 27, 2003, **passed** the following bill in which the concurrence of the Senate is asked:

[House File 32](#), a bill for an act relating to supplemental appropriations to reimburse counties for certain property tax credits and exemptions allowed and including an effective date.

Read first time and referred to committee on **Appropriations**.

A moment of silence was observed by the Senate in memory of Rob Miller, lobbyist with the Iowa Optometrists and the Iowa Egg Council.

COMMITTEE REPORT

RULES AND ADMINISTRATION

Final Bill Action: [SENATE RESOLUTION 5](#), a resolution designating January 29, 2003, as Iowa Insurance Day.

Recommendation: DO PASS.

Final Vote: Ayes, 9: Kramer, Gronstal, Boettger, Courtney, Drake, Dvorsky, Gaskill, Ragan, and Sievers. Nays, none. Absent, 2: Iverson and Putney.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

CONSIDERATION OF RESOLUTION (Regular Calendar)

Senator Gaskill asked and received unanimous consent to take up for consideration [Senate Resolution 5](#).

[Senate Resolution 5](#)

On motion of Senator Gronstal, [Senate Resolution 5](#), a resolution designating January 29, 2003, as Iowa Insurance Day, with report of committee recommending passage, was taken up for consideration.

Senator Gronstal moved the adoption of [Senate Resolution 5](#), which motion prevailed by a voice vote.

RECESS

On motion of Senator Gaskill, the Senate recessed at 8:49 a.m. until 11:45 a.m.

RECONVENED

The Senate reconvened at 11:45 a.m., President Pro Tempore Angelo presiding.

HOUSE MESSAGE RECEIVED AND CONSIDERED

The following message was received from the Chief Clerk of the House:

MADAM PRESIDENT: I am directed to inform your honorable body that the House has on January 29, 2003, **amended and passed** the following bill in which the concurrence of the House was asked:

Senate File 36, a bill for an act supplementing appropriations made for the fiscal year beginning July 1, 2002, to the departments of human services, corrections, and public safety, and to the state public defender and the public broadcasting division of the department of education, and providing effective date and applicability provisions. (**S-3007**)

SPECIAL GUEST

Senator Boettger welcomed to the Senate chamber Robert Biwer, Consul General of Luxembourg.

The Senate rose and expressed its welcome.

ADJOURNMENT

On motion of Senator Veenstra, the Senate adjourned at 12:09 p.m. until 8:30 a.m. Thursday, January 30, 2003.

APPENDIX**COMMUNICATIONS RECEIVED**

The following communications were received in the office of the Secretary of the Senate and placed on file in the Legislative Service Bureau:

December 13, 2002

DEPARTMENT OF JUSTICE

Iowa Prosecutor Intern Program Report, pursuant to Iowa Code section 13.2 (12).

January 29, 2003

DEPARTMENT OF HUMAN SERVICES

Iowa Medicaid Pharmaceutical Case Management Program Evaluation, pursuant to 2000 Acts, [Senate File 2435](#), section 9.

DEPARTMENT OF MANAGEMENT

Utility Tax Replacement Task Force Report, pursuant to Iowa Code section 437A.15.

**SUPPLEMENTAL REPORT OF THE COMMITTEE ON
RULES AND ADMINISTRATION**

MADAM PRESIDENT: Pursuant to [Senate Concurrent Resolution 4](#), the committee on Rules and Administration submits the following supplemental report of changes, increases, and reclassifications and the effective dates for Senate employees:

Legislative Secretary	Ann Ihm	Grade 15, Step 2 Effective 1/21/03
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STEWART E. IVERSON, JR., Chair

REPORTS OF COMMITTEE MEETINGS**GOVERNMENT OVERSIGHT**

Convened: January 28, 2003, 3:05 p.m.

Members Present: Lundby, Chair; Brunkhorst, Vice Chair; Courtney, Ranking Member; Dvorsky and Wieck.

Members Absent: None.

Committee Business: Presentation by William Angrick, Citizen's Aide Ombudsman.

Adjourned: 3:55 p.m.

APPROPRIATIONS SUBCOMMITTEE ON ADMINISTRATION AND REGULATION

Convened: January 28, 2003, 3:30 p.m.

Members Present: Sievers, Vice Chair; Holveck, Ranking Member; and Stewart.

Members Absent: Zieman, Chair; and Rehberg (both excused).

Committee Business: Presentations by representatives of Department of General Services, Department of Personnel, and Department of Revenue and Finance.

Adjourned: 5:15 p.m.

APPROPRIATIONS SUBCOMMITTEE ON JUSTICE SYSTEM

Convened: January 28, 2003, 3:00 p.m.

Members Present: Miller, Chair; Angelo, Vice Chair; Fraise, Ranking Member; Hosch and Kreiman.

Members Absent: None.

Committee Business: Presentations by representatives of Department of Public Safety.

Adjourned: 3:50 p.m.

EDUCATION

Convened: January 29, 2003, 9:50 a.m.

Members Present: Boettger, Chair; McKinley, Vice Chair; Connolly, Ranking Member; Angelo, Beall, Behn, Brunkhorst, Dvorsky, Holveck, Hosch, Kreiman, Quirnbach, and Rehberg.

Members Absent: Larson and Redfern (both excused).

Committee Business: Presentation by Department of Education on the financing of public education in Iowa.

Adjourned: 10:45 a.m.

JUDICIARY

Convened: January 29, 2003, 1:00 p.m.

Members Present: Redfern, Chair; Kreiman, Ranking Member; Boettger, Fraise, Horn, McKibben, Miller, Quirnbach, and Tinsman.

Members Absent: Larson, Vice Chair; Holveck, Kettering, Lamberti, McCoy, and Putney (all excused).

Committee Business: Subcommittee assignments.

Adjourned: 1:10 p.m.

RULES AND ADMINISTRATION

Convened: January 29, 2003, 8:20 a.m.

Members Present: Kramer, Vice Chair; Gronstal, Ranking Member; Boettger, Courtney, Drake, Dvorsky, Gaskill, Ragan, and Sievers.

Members Absent: Iverson, Chair; and Putney (both excused).

Committee Business: Approved [SJR 1](#), [SR 1](#), and resolutions concerning pay, the joint rules, and floor access for the Governor's staff.

Adjourned: 8:40 a.m.

INTRODUCTION OF RESOLUTION

[Senate Concurrent Resolution 2](#), by committee on Rules and Administration, a concurrent resolution relating to the compensation of chaplains, officers and employees of the Eightieth General Assembly.

Read first time under Rule 28 and **placed on calendar.**

INTRODUCTION OF BILLS

[Senate File 60](#), by Warnstadt, a bill for an act transferring the powers and duties of the Missouri river preservation and land use authority to the loess hills development and conservation authority and providing effective dates.

Read first time under Rule 28 and referred to committee on **Natural Resources and Environment.**

[Senate File 61](#), by Warnstadt, a bill for an act allowing cities and counties to create enterprise zones near modes of transportation.

Read first time under Rule 28 and referred to committee on **Economic Growth.**

[Senate File 62](#), by Lamberti, a bill for an act creating a presumption of owner consent when the child of an owner operates the owner's motor vehicle.

Read first time under Rule 28 and referred to committee on **Transportation.**

[Senate File 63](#), by Kibbie and Drake, a bill for an act relating to the use of sick leave by certain members of the Iowa department of public safety peace officers' retirement, accident, and disability system who are temporarily incapacitated for duty.

Read first time under Rule 28 and referred to committee on **State Government.**

[Senate File 64](#), by Kibbie and Lundby, a bill for an act relating to mandatory disclosures in certain political telephone communications, and applying a penalty.

Read first time under Rule 28 and referred to committee on **State Government.**

[Senate File 65](#), by Zieman, a bill for an act allowing the issuance of deer licenses to certain landowners without a fee.

Read first time under Rule 28 and referred to committee on **Natural Resources and Environment.**

[Senate File 66](#), by Houser, a bill for an act eliminating local assessor examining boards.

Read first time under Rule 28 and referred to committee on **Local Government.**

STUDY BILLS RECEIVED

SSB 1024 **Judiciary**

Establishing a criminalistics laboratory surcharge and creating a criminalistics laboratory fund, making an appropriation of surcharge moneys, and making related changes.

SSB 1025 **Judiciary**

Relating to the state fire marshal's office of the department of public safety concerning the publication of administrative rule notices and explosives licensing and making criminal penalties applicable.

SSB 1026 **Judiciary**

Relating to appeals filed in child in need of assistance proceedings.

SSB 1027 **Judiciary**

Relating to criminal law and procedure, including the criminal offenses of arson, communications by an arrested person, and harassment, and the sex offender registry.

SSB 1028 **Judiciary**

Relating to the criminal penalties for an assault on members of certain occupations.

SSB 1029 **Judiciary**

Relating to the admissibility of prior criminal offenses into evidence in the prosecution of certain sexual offenses.

SSB 1030 **Judiciary**

Expanding the criminal offense of possessing contraband in correctional institutions to include possessing contraband in a secure facility for the detention or custody of juveniles, a detention facility, or a jail.

SSB 1031 Natural Resources and Environment

Relating to the regulation of vessels by increasing certain boat registration fees, and pilot and engineer licensing fees, providing for increased inspections of registered boats, and appropriating the moneys collected to the state fish and game protection fund.

SSB 1032 Judiciary

Relating to the criminal offense of sexual exploitation of a minor.

SSB 1033 Natural Resources and Environment

Relating to all-terrain vehicles and snowmobiles, requiring annual user permits for nonresidents, and making a penalty applicable.

SSB 1034 Natural Resources and Environment

Creating a premier destination park program and making an appropriation.

SSB 1035 Natural Resources and Environment

Relating to fishing by establishing fees, allocating fishing license revenue to fish habitat development, modifying trout fishing fee requirements, and providing effective and applicability dates.

SSB 1036 Ways and Means

Updating the Iowa Code references to the Internal Revenue Code, coupling with certain provisions of federal law relating to economic growth, and providing a retroactive applicability date and an effective date.

SSB 1037 Commerce

Relating to provision of telecommunications services by municipal utilities, including the burden of proof for disclosure of business information, and limiting cross-subsidization of telecommunications systems and services from other funding sources.

SSB 1038 State Government

Providing for state ownership of Part III Iowa communications network video connections under specified circumstances.

SSB 1039 Economic Growth

Relating to the licensure, permit, and approval process for site development of economic development projects.

SUBCOMMITTEE ASSIGNMENTS**Senate File 9**

NATURAL RESOURCES AND ENVIRONMENT: Johnson, Chair; Bolkcom and Kettering

Senate File 18

NATURAL RESOURCES AND ENVIRONMENT: Houser, Chair; Brunkhorst, Dearden, Kibbie, and Miller

Senate File 20

NATURAL RESOURCES AND ENVIRONMENT: Johnson, Chair; Seng and Ziemann

Senate File 25

NATURAL RESOURCES AND ENVIRONMENT: Kettering, Chair; Brunkhorst and Kibbie

Senate File 40

NATURAL RESOURCES AND ENVIRONMENT: Houser, Chair; Brunkhorst, Dearden, Kibbie, and Miller

Senate File 42

STATE GOVERNMENT: Veenstra, Chair; Black and Lamberti

Senate File 46

LOCAL GOVERNMENT: Gaskill, Chair; McCoy and Rehberg

Senate File 50

ECONOMIC GROWTH: McKinley, Chair; Hatch and Seymour

[Senate File 52](#)

STATE GOVERNMENT: Veenstra, Chair; Johnson and Ragan

[Senate File 53](#)

LOCAL GOVERNMENT: Miller, Chair; Hatch and Houser

[Senate File 54](#)

STATE GOVERNMENT: Schuerer, Chair; Connolly and Sievers

[Senate File 57](#)

LOCAL GOVERNMENT: Angelo, Chair; Seymour and Stewart

[Senate File 58](#)

COMMERCE: Angelo, Chair; Warnstadt and Wieck

[Senate File 61](#)

ECONOMIC GROWTH: Boettger, Chair; Beall and Shull

[House File 32](#)

APPROPRIATIONS: Lamberti, Chair; Dvorsky and Kramer

[SSB 1024](#)

JUDICIARY: Lamberti, Chair; Larson and Quirnbach

[SSB 1025](#)

JUDICIARY: Boettger, Chair; Kreiman and Lamberti

[SSB 1026](#)

JUDICIARY: Tinsman, Chair; Boettger and Horn

[SSB 1027](#)

JUDICIARY: Putney, Chair; Holveck and Tinsman

[SSB 1028](#)

JUDICIARY: Miller, Chair; Boettger and Fraise

SSB 1029

JUDICIARY: McKibben, Chair; Miller and Quirnbach

SSB 1030

JUDICIARY: Putney, Chair; McCoy and Redfern

SSB 1031

NATURAL RESOURCES AND ENVIRONMENT: Johnson, Chair; Kibbie and Wieck

SSB 1032

JUDICIARY: McKibben, Chair; Holveck and Kettering

SSB 1033

NATURAL RESOURCES AND ENVIRONMENT: Kettering, Chair; Miller and Seng

SSB 1034

NATURAL RESOURCES AND ENVIRONMENT: Kettering, Chair; Bolcom and Brunkhorst

SSB 1035

NATURAL RESOURCES AND ENVIRONMENT: Houser, Chair; Black and Kettering

SSB 1036

WAYS AND MEANS: McKibben, Chair; Dotzler and Shull

SSB 1037

COMMERCE: Larson, Chair; Brunkhorst and McCoy

SSB 1038

STATE GOVERNMENT: Drake, Chair; Connolly and Shull

SSB 1039

ECONOMIC GROWTH: Larson, Chair; Dotzler and Putney

COMMITTEE REPORTS

RULES AND ADMINISTRATION

Final Bill Action: [SENATE JOINT RESOLUTION 1](#), a joint resolution authorizing the temporary use and consumption of wine in the State Capitol in conjunction with the awards ceremony of the World Food Prize Foundation.

Recommendation: DO PASS.

Final Vote: Ayes, 9: Kramer, Gronstal, Boettger, Courtney, Drake, Dvorsky, Gaskill, Ragan, and Sievers. Nays, none. Absent, 2: Iverson and Putney.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Final Bill Action: [SENATE CONCURRENT RESOLUTION 2](#), a concurrent resolution relating to the compensation of chaplains, officers and employees of the Eightieth General Assembly.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 9: Kramer, Gronstal, Boettger, Courtney, Drake, Dvorsky, Gaskill, Ragan, and Sievers. Nays, none. Absent, 2: Iverson and Putney.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Final Bill Action: [HOUSE CONCURRENT RESOLUTION 4](#), a concurrent resolution relating to joint rules of the Senate and House of Representatives for the Eightieth General Assembly.

Recommendation: DO PASS.

Final Vote: Ayes, 9: Kramer, Gronstal, Boettger, Courtney, Drake, Dvorsky, Gaskill, Ragan, and Sievers. Nays, none. Absent, 2: Iverson and Putney.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

EXPLANATION OF VOTE

MADAM PRESIDENT: I was necessarily absent from the Senate chamber on January 22, 2003, when the vote was taken on [Senate File 36](#). Had I been present, I would have voted "Yea."

CHARLES W. LARSON, JR.

AMENDMENT FILED

[S-3007](#) [S.F. 36](#) House